



MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting of January 19, 2017

Minutes

IN ATTENDANCE:

Commissioners:

Steve Rosen, Chair
Kenita Barrow, Vice-Chair
Barbara Fredericks
Rahul Goel
Claudia Herbert

Staff Members:

Robert W. Cobb, Chief Counsel
Kelly Uhas

Item 1. The meeting was called to order at 7:15 p.m.

Item 2. The Commission approved the minutes from the December 19, 2016, meeting as presented.

Item 3. Mr. Cobb briefed the on Commission the challenges associated with candidate financial disclosure submission.

Item 4. Mr. Cobb discussed draft changes to the proposed ethics regulation, particularly as concerns the outside employment of police. The Commission discussed all aspects of the challenge, starting with the fundamental notion that the status quo is unacceptable as the Commission is involved in approving outside employment of police that is objectionable from an ethics standpoint; the Commission acknowledges that the practice is historical and is based on the results of collective bargaining agreements where the ethics law has not been the foremost consideration. Insofar as County policy is to allow use of County property, position and uniform for the private gain of sworn police in

certain circumstances, the Commission's objective is to not interfere with the administration of that policy, but not be a part of that process unless it is asked for its opinion. The Commission is driven on this point as a matter of principle and from a standpoint of not knowing what applicable standards it is to apply in consideration of requests from sworn police. The requests from sworn police are subject to a substantial number of rules, some of which are driven by considerations of what is appropriate conduct for police. But these rules are police specific and the Ethics Commission is not in a position to administer them.

The Commission in general believed that the incorporation of rules specifically related to police into the overall outside employment regulations could work on the basis presented, with a couple of caveats. A concern was expressed about police receiving employment from those persons that the same police had been called upon officially to interact with, creating the possibility of or temptation for inappropriate action. In this regard, the Commission asked Cobb to consider drafting language, applicable to all County employees, that could be inserted into the outside employment form, asking whether an employee had, during the year prior to requesting outside employment, worked as a County employee on any official matters affecting the prospective outside employer.

In considering the draft language of the ethics regulation that would be additional language applicable to sworn police, the Commission suggested that Cobb consider language that would ensure that sworn police could not engage in outside employment in the district to which they are assigned, as doing so would involve working for a person or entity regulated by the employee's agency. Noting that this would be an additional requirement, Cobb is to report back to the Commission on this suggestion at the next Commission meeting.

The meeting adjourned at 8:30.

Respectfully Submitted,

A handwritten signature in black ink that reads "Robert W Cobb". The signature is written in a cursive, flowing style.

Robert W. Cobb
Chief Counsel